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9 **RICHARD CASPER and NORMA JEAN MCGRATH**

7 **UNITED STATES DISTRICT COURT**
8 **DISTRICT OF NEVADA**

9 RICHARD CASPER, an individual; NORMA
10 JEAN MCGRATH, an individual,

11 Plaintiffs,

12 DIAMOND RESORTS INTERNATIONAL
13 MARKETING, INC., a foreign corporation;
14 DIAMOND RESORTS INTERNATIONAL, INC., A
15 Delaware corporation; DOES 1 through 10 inclusive;
16 DOES & ROES CORPORATIONS ENTITIES 1
17 through 10 inclusive; DANIEL PERCY, an
18 individual,

19 Defendants,

CASE NO.: 2:18-cv-00866-JCM-GWF
Consolidated:

CASE NO.: 2:18-cv-01455-GMN-NJK

**STIPULATION AND ORDER TO
EXTEND DISCOVERY DEADLINE and
RELATED DATES**

(First Request)

18 Pursuant to LR 26-4, all parties hereby stipulate to extend the discovery deadline of April 29,
19 2019 and related scheduling order deadlines in this action.

20 This is the first request for an extension to the discovery plan and scheduling order in this matter.

21 The parties were scheduled to participate in an Early Neutral Evaluation (“ENE”) on April 29,
22 2019 but agreed to reschedule the same in deference to the recent passing of Plaintiff McGrath’s mother.
23 Based on the foregoing, the parties request the discovery deadline agreed upon in the Joint Discovery
24 Plan and Scheduling Order (ECF No. 29) (Special Scheduling Review Requested) is extended ninety
25 (90) days from their expiration deadlines.
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1 **1. DISCOVERY COMPLETED TO DATE:**

2 **BY PLAINTIFFS RICHARD CASPER AND NORMA JEAN MCGRATH:**

- 3 (1) Video-Taped Deposition of Daniel Percy
- 4 (2) Video-Taped Deposition of William McCoy
- 5 (3) Video-Taped Deposition of Tony Walker
- 6 (4) Initial Disclosures, Supplemental Disclosures, Third Supplemental Disclosures and Fourth
- 7 Supplemental Disclosures;
- 8 (5) Expert Witness Disclosure for Dr. John Paglini
- 9 (6) Plaintiffs' Responses to Request for Production of Documents by Defendant Percy
- 10 (7) Plaintiffs' Responses to Interrogatories by Defendant Percy
- 11 (8) Plaintiffs' Responses to Request for Admissions by Defendant Diamond Resorts
- 12 (9) Plaintiffs' Responses to Request for Production of Documents by Defendant Diamond
- 13 Resorts (First Set)
- 14 (10) Plaintiff Richard Casper's First Set of Request for Production of Documents to Defendant
- 15 Diamond Resorts
- 16 (11) Plaintiff Richard Casper's First Set of Interrogatories to Defendant Diamond Resorts
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19 **BY DEFENDANTS DIAMOND RESORTS:**

- 20 (1) Video-Taped Deposition of Richard Casper
- 21 (2) Initial Disclosures, First Supplement, Second Supplement, Third Supplement and Fifth
- 22 Supplemental Disclosures
- 23 (3) Defendant Diamond Resorts First Set of Interrogatories to Plaintiff Norma Jean McGrath and
- 24 Richard Casper
- 25 (4) Defendant Diamond Resorts Request for Admissions to Plaintiffs Richard Casper and Norma
- 26 Jean McGrath
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(5) Custodian of Records Depositions for John Paglini, Psy. D., Karen Anderson Ph. D., Akami Concierge Service, Inc., Fuller Holdings

BY DEFENDANT DANIEL PERCY:

(1) Defendant Percy's First Supplemental List of Witnesses and Document Production, and Second Supplemental Disclosures

(2) Request for Documents to Plaintiffs Richard Casper and Norma Jean McGrath

(3) Interrogatories to Plaintiff Norma Jean McGrath & Richard Casper

2. DISCOVERY YET TO BE COMPLETED:

Plaintiffs intend to notice several depositions of employees of Defendants whom Plaintiffs believes are likely to have discoverable information that Plaintiffs may use to support her claims or defenses, unless used solely for impeachment. Plaintiffs may conduct any other necessary discovery they believe will be used to support their claims in this action pending trial.

Defendants intend to notice depositions of Plaintiff McGrath and other individuals whom it believes to have discoverable information that it may use to support its claims or defenses, unless used solely for impeachment. Defendants may conduct any other necessary discovery it believes will support its defense against Plaintiffs' claims.

3. PROPOSED REVISED DISCOVERY PLAN:

A. Summary of Proposed Changes

	Current Deadline	Revised Deadline
Close of Discovery	April 29, 2019	Monday, July 29, 2019 (July 28, 2019 is a Sunday)
Interim Status Report	February 28, 2019	May 30, 2019 (60 days before proposed discovery deadline)
Dispositive Motions	May 29, 2019	August 28, 2019 (30 days after proposed discovery cut-off)
Pretrial Order	June 28, 2019	September 27, 2019 (30 days after cut-off for

		dispositive motions).
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B. Discovery Cut-Off Date: July 29, 2019

C. Interim Status Report: In accordance with Local Rule 26-3, an Interim Status Report will be filed by the parties with the Court sixty (60) days prior to the discovery cut-off date, and therefore not later than **May 30, 2019**.

D. Dispositive Motions: Dispositive motions may be filed no later than **August 28, 2019**, which is thirty (30) days after the discovery cut-off date. In event that the discovery period is extended from the discovery cut-off date set forth in this Stipulation and Order to Extend Discovery Deadlines and Scheduling Order (First Request), the date for filing dispositive motions shall be extended for the same duration, to be no later than thirty (30) days from the subsequent discovery cut-off date.

E. Pretrial Order: The pretrial order shall be filed by **September 27, 2019**, which is not later than thirty (30) days after the date set for filing dispositive motions. In the event dispositive motions are filed, the date for filing the joint pretrial order shall be suspended until thirty (30) days after the decision of the dispositive motions or until further order of the Court.

I. Additional Extensions of the Discovery Plan and Scheduling Order: In accordance with Local Rule 26-4, a stipulation or motion for modification or extension of this discovery plan and scheduling order must be made no later than twenty-one (21) days before the expiration of the subject deadline or as otherwise permitted by Local Rule 26-4.

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1 F. Any deadline not extended in accordance with the Stipulation and Order to Extend
2 Discovery Deadlines and Scheduling Order set forth above shall remain controlled by the Scheduling
3 Order (ECF No. 29) filed in this matter on November 6, 2018.

4 Dated this 9th day of April, 2019.

5 **THE THATER LAW GROUP, P.C.**

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7 M. Lani Esteban-Trinidad, Esq.
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11 *Attorney for Plaintiffs*

12 Dated this 9th day of April, 2019

13 /s/ Rebecca L. Mastrangelo
14 Rebecca L. Mastrangelo
15 ROGERS, MASTRANGELO, CARVALHO
16 & MITCHELL
17 700 South Third Street
18 Las Vegas, Nevada 89101
19 *Attorneys for Defendant*
20 Daniel Percy

Dated this 9th day of April, 2019.

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Inc. and Diamond Resorts International, Inc.

21 **ORDER**

22 IT IS SO ORDERED.

23 DATED: April 10, 2019.

24 By: 
25 UNITED STATES MAGISTRATE JUDGE
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